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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,485	06/15/2006	Kevin Joseph Martin	1223-017	1781

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EXAMINER	
IRVIN, THOMAS W	
ART UNIT	PAPER NUMBER
3683	

MAIL DATE	DELIVERY MODE
11/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/583,485	MARTIN, KEVIN JOSEPH	
	Examiner	Art Unit	
	Thomas W. Irvin	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 15 June 2006 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 20060719.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because they do not contain the reference number 32, identified in the specification to be a "power transmission member". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 2 is objected to because of the following informalities: in line 1 "the or each wheel" should be changed to read -- the at least one wheel --. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6, 7, 10, 12, 14, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purdy (844,288) in view of Casgrain (538,895).

In Re claims 1 and 2, '288 discloses a cable assembly which includes at least one wheel having shoulders which the cable assembly passes around when in use, the cable assembly including at least one cable (A) having end portions and a connector device (B,B') for operatively connecting the end portions of the cable so as to form an endless track, the connector device including a power transmission member (R) and a coupling (B,B') operatively connecting the end portions of the cable to the power transmission member, the power transmission member being a generally tubular member having end sections receivable within the wheel as the cable assembly passes there-around, the coupling including a coupling element operatively connected to the

power transmission member between the end sections. '288 fails to disclose the specifics of the wheel.

'895 teaches using a wheel (A) with recesses (A^2), grooves (A^x), and teeth (A') for driving a power transmission band (a). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a wheel with recesses, grooves, and teeth, as taught by '895, with the cable assembly, taught by '288, because it would positively engage the transmission members to cause the cable assembly to be driven.

In Re claim 3, '288 further discloses that each cable has end portions which are operatively connected together by the connector device so as to form an endless cable or track, there being, a plurality of connecting means arranged in spaced apart relation along the cable length.

In Re claim 4, '288 further discloses that the power transmission member is generally circular in cross-section.

In Re claims 6 and 12, '288 further discloses that the coupling is arranged so that the load applied to the power transmission member by the cable is in the region of the central axis of the power transmission member.

In Re claims 7 and 14, '288 further discloses that the coupling element of the coupling (B,B') includes a clevis (e') secured to the outer circumferential surface of the power transmission member (R) and two tongues (e) on the ends of the opposing cable which is operatively connected to the clevis of the opposing cable through the transmission member.

In Re claim 10, 18, and 20, '288 further discloses that the coupling element of the coupling includes a plate (b) mounted to said power transmission member for at least partial rotation relative thereto, said plate including one or more tongue portions (e) and said coupling further including at least one clevis (e') associated with a respective tongue portion said clevis being operatively connected to an end of a cable, the tongue being operatively connected to the clevis through the power transmission member.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Purdy (844,288) in view of Casgrain (538,895) as applied to claim 10 above, and further in view of Karnes (2005/0023113).

'288 further disclose retaining pins (P) to limit lateral movement of the plate on the transmission member. '288 as modified teach to claimed invention except failing to teach retaining rings. '113 teaches a chain utilizing retaining rings (not shown) to limit lateral movement of the links (102,104) on the link pin (118). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the cable assembly, taught by '288, to include retaining rings, as taught by '113, because it allows assembly and disassembly of the cable assembly without destroying the retaining member.

Claims 5, 13, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified system of '288 as applied to claim 4 above, and further in view of Larsen (2004/0099508).

In Re claim 5, modified '288 teaches the claimed invention except failing to teach rotatable ends on the transmission member. Larsen teaches a conveyor with rotatable members (13) for carrying baskets (16). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the modified cable assembly of '288, rotatable end axes, as taught by Larsen, to swingingly carry a product in a conveyor system.

In Re claim 13, '288 further discloses that the coupling is arranged so that the load applied to the power transmission member by the cable is in the region of the central axis of the power transmission member.

In Re claim 17, '288 further discloses that the coupling element of the coupling (B,B') includes a clevis (e') secured to the outer circumferential surface of the power transmission member (R) and two tongues (e) on the ends of the opposing cable which is operatively connected to the clevis of the opposing cable through the transmission member.

In Re claim 19, '288 further discloses that the coupling element of the coupling includes a plate (b) mounted to said power transmission member for at least partial rotation relative thereto, said plate including one or more tongue portions (e) and said coupling further including at least one clevis (e') associated with a respective tongue portion said clevis being operatively connected to an end of a cable, the tongue being operatively connected to the clevis through the power transmission member.

Claims 8, 9, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified system of '288 as applied to claim 7 and 14 above, and further in view of Campbell (2004/0083607).

In Re claims 8 and 15, '288 discloses attaching the cable to the coupling element using an insert (S), but does not specifically teach swaging. '607 teaches securing the end of a cable using swaging. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used swaging, as taught by '607, as a well-known alternative means for securing the cable to the coupling member, as taught by '288, to provide a cost effective robust means of connection.

In Re claims 9 and 16, the transmission member acts as a pin for connection between the tongue and clevis of the two cable ends.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas W. Irvin whose telephone number is (571) 270-3095. The examiner can normally be reached on Mon-Fri 8am-4pm, Alt Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TWI
11/15/2007

BRADLEY KING
PRIMARY EXAMINER

11/20/07